

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bernadette VERNEAU
Title: COMPOSITION FOR ORAL
ADMINISTRATION CONTAINING
CAPSAICINOIDS
Appl. No.: 10/542,406
Filing Date: 7/15/2005
Examiner: Unassigned
Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report was previously provided, and attached hereto are copies of the foreign and literature references listed therein, which document copies were not previously provided.

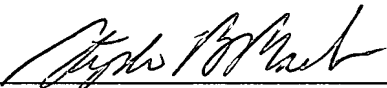
English-language abstracts of each foreign-language documents have been provided. The absence of a full English-language translation or an English-language counterpart document does not relieve the PTO from its duty to consider any submitted document (37 CFR §1.98 and MPEP§609).

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 29, 2006

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: March 29, 2006 <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/542,406
				Filing Date	7/15/2005
				First Named Inventor	Bernadette VERNEAU
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	065691-0397

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	2002/0028257	A1	CATALFO et al.	03/07/2002	
	A2	2003/0104081	A1	ROMBI, Max	06/05/2003	
	A3	3,483,004		BAUER et al.	12/09/1969	
	A4	3,619,212		MORI et al.	11/09/1971	
	A5	5,013,574		HASSEL, James E.	05/07/1991	
	A6	5,273,754	A	MANN, Morris A.	12/28/1993	
	A7	6,022,718	A	IWAJ et al.	02/08/2000	
	A8	6,620,440	B1	HSIA et al.	09/16/2003	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A9	CN	1304682	A	DONG S	07/25/2001		A
	A10	EP	0 201 041	A1	Fritzsche Dodge & Olcott Inc.	11/12/1986		
	A11	FR	2776189		Lipha Lyonnaise Ind Pharm	09/24/1999		
	A12	GB	1201650		W.R. Grace & Co.	08/12/1970		
	A13	JP	2000-72642	A	Lion Corp.	03/07/2000		A
	A14	WO	97/33599	A1	Viva America Marketing Inc	09/18/1997		
	A15	WO	98/47376	A1	Viva America Marketing Inc	10/29/1998		
	A16	WO	00/41708	A1	Laboratoires Arkopharma	07/20/2000		A

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A17	YEOH et al., "How does chili cause upper gastrointestinal symptoms? A correlation study with esophageal mucosal sensitivity and esophageal motility," J. Clin. Gastroenterol., 1995, 21, pp. 87-90 (Abstract).	
	A18	YOSHIOKA et al., "Effects of red pepper added to high-fat and high-carbohydrate meals on energy metabolism and substrate utilization in Japanese women," British Journal of Nutrition, 1998, Vol. 80, pp. 503-510.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.